

2007 AUG 17 PM 4:45



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/975,317

Applicant: WATSON et al.

Filed: October 12, 2001

Title: Method

Confirmation No.: 8178

Group Art Unit: 1618

Examiner: D. L. Jones

Attorney Docket: WATS3001C/REF

Customer No.: 23364

**REQUEST FOR REFUND OF FEE  
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Sir:

On November 20, 2006, the Deposit Account of the undersigned was charged in the amount of \$500 for an Appeal Brief filed on January 12, 2007 in connection with the above-identified application. A copy of the undersigned's Monthly Statement of Deposit Account is attached.

It is believed that the charge was erroneous for the following reasons.

Applicants submitted a brief on appeal October 24, 2005 in response to a final rejection issued by Examiner Hartley on December 22, 2004 along with the required fee in the amount of \$500.00. A copy of canceled check no. 45358 is attached hereto.

In response to the brief on appeal, Examiner Jones submitted an Examiner's Answer on December 28, 2005. An Order Returning Undocketed Appeal to Examiner was issued June 28, 2006 indicating that the brief on appeal was returned to the

Application No.: 09/975,317  
Group Art Unit: 1618  
Examiner: D.L. Jones

Examiner by the Board of Appeals for further consideration.

The Examiner's Answer was withdrawn and a new grounds of rejection was issued by Examiner Jones in a final rejection of July 13, 2006 wherein Applicants submitted a further brief on appeal on January 12, 2007 in response to the final rejection. In accordance with MPEP §1207.04, "The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal". In view of this, the further brief on appeal was submitted by Applicants without the required fee set forth under 37 C.F.R. 41.20(b)(2).

Accordingly, it is believed that the appeal brief fee was charged in error and it is respectfully requested that our **Deposit Account No. 02-0200** be credited in the amount of \$500.

Respectfully submitted,  
BACON & THOMAS, PLLC

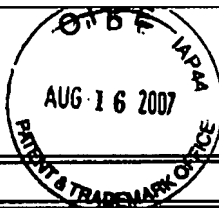
By:   
Richard E. Fichter  
Attorney for Applicants  
Registration No. 26,382

Date: August 16, 2007

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